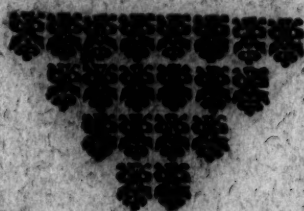


A  
LIST  
OF THE  
LORDS,  
WHO

Protested against some Proceedings, in  
Relation to the Case of Dr. HENRY  
SACHEVERELL, in the House of  
PEERS; with their Lordships REASONS  
for Entering their Proteftations.

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LONDON:

Printed, in the Year, 1710.

Price One Penny.

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Sach. 89/3(1)

LIST

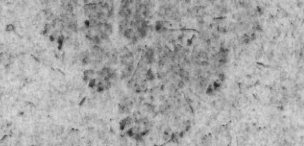
OF THE

ORDERS

WHO

Proscribed against some Proceedings in  
Relation to the Case of ROBERT  
SACHINER, in the Matter of  
R. 113; with their Lordships REASONS  
for making their Proscriptions.

Printed by



LONDON

Printed in the Year 1710.

Printed by J. Smith



*Die Martis 14. Martii 1709.*

**T**HE Question was put,

*That by the Law and Usage of Parliament in Prosecutions, by Impeachments for High Crimes and Misdemeanors, by Writing or Speaking the particular Words supposed to be Criminal, are not necessary to be expressly specified in such Impeachments.*

It was resolved in the Affirmative.

*Dissentient,*

I. Because we conceive the Law of the Land, *Buckingham.*  
 is, as much the Rule of Judicature in Parlia- *Jo. Ebor.*  
 ment, as it is in the inferiour Courts of Justice; *H. London.*  
 and since, by the Opinion of all the Judges in *Hamilton.*  
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 for Writing or Speaking, the particular Words *Stratton.*  
 supposed to be Criminal, must be expressly spe- *Northeske.*  
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 Parliament, may, nevertheless, be condemn'd  
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Sach. 89/3(1)

LIST  
OF THE  
ORDERS  
WHO

Proscribed against some proceedings in  
relation to the case of DREWRY  
SACHERNBERG, in the year 1711.  
P. 1115; with the London News 1711  
for having their provisions.





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 ons and Indictments, may be, that the Party

accused may certainly know his Charge, and be thereby enabled to defend his Innocence ; that the Jury may know it too, and be enabled thereby the better to apply the Evidence given by the Witnesses, to the Matter of such Charge, and that the Judges themselves may the better judge of the Nature of the Crime, and of a Punishment adequate to it, which in Cases of Misdemeanor, which are indefinite and innumerable, must extreamly vary, according to the Heinousness of the Offence ; and finally, that the House of Lords, upon Complaint to them, may also judge whether the Fine, which is usually one of the Punishments for Misdemeanors, does not exceed the Demerit, especially, since by the Bill of Rights, exorbitant Fines, are declared to be Illegal ; which Reasons seem to be fully as strong, in the Case of Impeachments, as in Indictments and Informations ; for the particular Words are as necessary to enable the Lords to determine uprightly and impartially, as the Jury or Judges, and as necessary for the Defence of the Accused here, as in the Courts below ; and if there was to be a Difference, it seems more necessary in this High Court ; for the weightier the Prosecution is, the more need has an unfortunate Man of Indulgence ; and all lawful Favour ; and surely, there cannot be a heavier Load upon any Man, than an Accusation of all the Commons of *Great Britain*.

2. We do not remember any Precedent insisted on for the Maintainance of this Resolution, save only the Case of Dr. *Manning*, which we conceive could not Warrant this Resolution. For 1. The Words charg'd upon him by the

Commons



Commons Declaration, were not compar'd with the Sermons, tho' it was desired; and consequently, no Lord could say, they were not the Words of the Sermon; and therefore upon such Uncertainty, we conceive we could not ground a positive Resolution. 2. The Charge upon him taken out of his Sermon, on the 4<sup>th</sup> of May 1628. seems to be the very Words by him Spoke; for they were attested by Ear-Witnesses, who surely never were or could be admitted to attest their own Conjectures of the Scope of a Sermon, and not specify the very Words; for that would be to make the Witnesses to be the Judges. 3. Besides, in such a Case as this; where the Party did not insist on any legal and just Exceptions, of which he might have taken Advantage, if he had made his Defence, which he did not, but submitted and begg'd Pardon; this ought not to be look'd upon as a Precedent, or Authority, to justify the Illegality of the Form of that Impeachment.

3. But altho' this Precedent was full, and express to the Point resolv'd, we humbly conceive, That one Precedent is not sufficient to support a Law and Custom of Parliament; nor consequently, a Resolution declaring it, for surely there is a great Difference, between a single Instance, and a Law and Custom, especially,

4. Since we conceive, that in all the Precedents, at least, all that have appear'd to Us, for Four Hundred Years, of the Prosecutions in Parliament; the particular Words, charg'd as Criminal, have been constantly express'd in the Articles, or Declarations of Impeachment.

Ed. 2.

*Exilium Hugonis le De Spencer Patris & Filii.*  
The 1. Article was, for making a Bill in Writing, The Tenour whereof was particularly set forth.

26. H. 8.

*William de la Pool* 6 Art. was for Words spoken by him, sitting in the Council in the Star-Chamber, viz. That he said, He had a Place in the Council-House of the *French King* as he had here, and was as well trusted as he was here, and could remove from the *French King*, the privyest Man of his Council, if he would.

1640.

Lord FINCH.

Art. 4.

7.

5.

The Opinions he deliver'd, are set forth in *hac Verba*, as also the Times when he delivered them.

Another Opinion deliver'd by him in the Exchequer-Chamber, and Western Circuit, is set down in his express Words.

1640.

Art. 11.

Dr. COSENS.

He is charg'd with Words, deliver'd in a Sermon at *Durham*. The Words were these, *The Reformers*, &c.

19.

Charges him with Words in like manner. The Words were these, *The King*, &c.

1641.

Art. 1.

BERKLET.

The Words charg'd upon him are expressly mention'd.

4.

That he subscribed an Opinion in *hac Verba*

5.

Which are specify'd.

6.

The Matter therein charg'd, tho' of Record was copy'd, and deliver'd with the Articles.

The Words spoken, and the Place, expressly set forth.

Judge



Judge **CRANLEY**. 1641.  
For subscribing and giving Opinions, set  
forth in *hec Verba*. Art. 1, 2, 3.

**HERBERT**. 1641.

For exhibiting Articles against the five Mem-  
bers, which Articles follow, in these Words, &c.

Thirteen Bishops impeach'd for making and pro- 1641.  
mulging, in 1643, several Constitutions and  
Cannons, contrary to the King's Prerogative,  
&c.

They demurr'd because the Charge was ge-  
neral; but receded from this Demurr, because  
it appear'd to be particular.

E. **STRAFFORD**. 1641.  
Expresses the Words spoken by him, and the  
Time. Art. 2.

Express the very Words spoken by him. 4, 20, 21, 22,  
Is in like Manner, with an Inuendo of his 23, 24, 25, 27  
Meaning. 26.

Archbishop **LAUD**. 1642.  
Express the Words spoken by him. Art. 1, 4, 10<sup>o</sup>

Expresses the Words spoken by him, and the  
Time and Place. So necessary did the Long-  
Parliament it self think it to pursue the Forms  
of Law in all their Prosecutions. 2.

Upon the whole, therefore, we conceive, That  
so great a Number of Precedents is sufficient to  
out weigh the single Instance of Dr. *Manwa-*  
*ring's* Case, how apposite soever it may seem  
to be to the present Case, which, for the Rea-  
sons which we have mention'd, is far from be-

ing plain and clear, or having the full Authority of a Precedent: And the Law and Custom of Parliament, as we conceive, is to be determin'd by constant Course and Practice, and not one Precedent, occasion'd by such odious Doctrines as those of Dr. *Manning's*: Nor can the contrary Assertion to the abovesaid Resolution be of any ill Consequence to Impeachments by the Commons; because it is easy for them to specify the Words which offend them, but extremely difficult for the Accus'd to defend himself without knowing them: And as all who are charg'd criminally have Leave to make their Defence, so they should also have allow'd to them all lawful Means for it.

*Jo. Ebor.*  
*Scarfsdale.*  
*Anglesey.*  
*Abingdon.*  
*Weymouth.*  
*Conway.*  
*Willughby, Br.*  
*Guilford.*  
*H. London.*  
*Leeds.*  
*Suffex.*  
*Nottingham.*  
*N. Duresme.*  
*Rochester.*  
*Scarborough.*  
*W. Cestriens.*

*Osborne.*  
*Gernsey.*  
*Lempster.*  
*Thanet.*  
*Denbigh.*  
*Plymouth.*  
*Northampton.*  
*North and Grey.*  
*Craven.*  
*R. Ferrers.*  
*Beaufort.*  
*Tarmouth.*  
*Berkshires.*  
*Fersey.*  
*Stawell.*  
*Howard,*



*Die Jovis, 16. Martii 1709.*

**T**HE Order of the 14th Instant, being read,  
for taking into Consideration, the Impeach-  
ment of Dr. *Henry Sacheverell*; Article, by  
Article.

And it being mov'd to declare, that the Com-  
mons had made good the first Article against  
Dr. *Henry Sacheverell*.

After a long Debate thereupon,  
This Question was proposed;

*That the Commons have made good the first Article  
of Impeachment, against Henry Sacheverell,  
Doctor in Divinity.*

And a further Debate thereupon,  
This Question was put;

*Whether this Question shall be now put.*  
It was Resolved in the Affirmative.

*Dissentient,*

Because we humbly conceive, there are no  
Reflections therein contain'd on the Memory  
of the late King *William*, nor the Revolution;  
and that there is no Offence charged therein,  
upon Dr. *Sacheverell*; against any known Law  
of the Land.

*Jo. Ebor.  
Wemys.  
Suffolk.*

*Shrewsbury.  
Poulett.  
Beaufort.*

*Denbigh.*

Denbigh.  
 Stawell.  
 Tarmouth.  
 R. Perrers.  
 N. Duresme.  
 Scarfdale.  
 Howard.  
 Berkeley, Str.  
 Sa and Sele.  
 W. Cestriens.  
 Willughby Br.  
 Ormond.  
 Anglesey.  
 Rochester.  
 Buckingham.  
 Craven.  
 Weymouth.  
 Sussex.  
 Lexington.  
 Osborne.  
 Northesk.  
 Tho. Roffen.

Northampton.  
 Mar.  
 Leigh.  
 Weston.  
 Chandos.  
 Gernsey.  
 Hamilton.  
 Berkshire.  
 Thanet.  
 Scarborough.  
 Nottingham.  
 North and Grey.  
 Conway.  
 Lempster.  
 Abingdon.  
 Geo. Bath and Wells.  
 Plymouth.  
 Guilford.  
 H. London.  
 Dartmouth.  
 Haverham.  
 Leeds.

Then the Main Question was put ;

That the Commons have made good their first Article of Impeachment, against Henry Sacheverell, Dr. in Divinity.

It was Resolved in the Affirmative.

Dissentient,

Because by the Laws of the Land, the Laws of Parliament, and the inherent Right of Peerage, every Peer is to Judge for himself, both of the Fact, as well as of the Law, and can't be precluded by any Majority; which indeed

must



must determine the Case in respect of the Criminal; but never did nor can preclude any Lord, from Voting the Party Accus'd Guilty or not Guilty of the Fact, as well as of the Crime of such Fact.

Suffex.  
Northampton.  
Tarmouth.  
Scarborough.  
W. Cessians.  
North and Grey.  
Thanet.  
Denbigh.  
Weymouth.  
Stawell.  
Conway.  
Howard.  
Geo. Bath and Wells.

Gernsey.  
Craven.  
Leeds.  
Beaufort.  
Scarsdale.  
Rochester.  
Jersey.  
R. Ferrers.  
Plymouth.  
Osborne.  
Leigh.  
Abingdon.  
Apsburnham.

To the Questions upon the 2d, 3d, and 4th. Articles we dissent, for the same Reason as is given against the Question upon the first.

Buckingham  
Berkshire.  
Nottingham.  
Rochester.  
Weymouth.  
Howard.  
H. London.  
Haverham.  
Ormond.  
Willughby, Br.  
Gernsey.  
Jo. Ebor.

N. Duresme.  
Hamilton.  
Suffex.  
Scarsdale.  
Stawell.  
Poullett.  
Abingdon.  
Conway.  
Osborne,  
Weston.  
Guilford.  
Lexington.

W.

*W. Cestriens.**Geo. Bath and Wells.**Beaufort.**Denbigh**Tarmouth.**Fersey.**Tbanet.**Plimouth.**Northampton.**Leigh.**Anglesey.**Craven.**Dartmouth.**Tho. Roffen:*

## *Die Sabbati 18. Martii, 1709.*

**I**T is Order'd by the Lords Spiritual and Temporal, in Parliament Assembled, that the Question to be put to each Lord in *Westminster-Hall* shall be.

*Is Henry Sacheverell, Doctor in Divinity, Guilty of High Crimes and Misdemeanors, charg'd on him by the Impeachment of the House of Commons? the Answer thereunto shall be Guilty, or, Not Guilty, only.*

### *Dissentient,*

*Buckingham.**Hamilton.**Mar.**Lewington.**Dartmouth.**Northesk.**Fo. Ebor.**W. Cestriens.**Tho. Roffen.**N. Duresme.**Shrewsbury.*

I. Because we do humbly conceive, that the obliging every Lord to Answer generally, *Guilty, or not Guilty*, to a Question containing all the Articles of this Impeachment, is a kind of Tacking upon our selves, by an unnecessary joining of Matters of a different Nature, and subjecting them to one and the same Determination; and consequently may prejudice the Right every Peer has to give a Free Affirmative or Negative; since whoever thinks *Dr. Sacheverell*, Guilty of one Part, and Innocent of the other



other, will be oblig'd, either to Approve what he Condemns, or Condemn what he Approves.

2 We do humbly conceive, there are at least a Possibility, that tho' a Majority of the House, if admitted to Vote to the Articles separately, may think him Innocent upon each Article; yet by this Method of a general Answer, he may be condemn'd of all; which seems not to be consistent with the usual Method of Justice in this House.

3. We humbly conceive that since the Judgment of the House, in this Case, ought to be a Declaration of the Law, the Condition of the People will be most miserable, to have Punishment inflicted for high Crimes and Misdemeanors, and not to have a Possibility of informing themselves what the high Crimes and Misdemeanors, thereby punished, are; for the People's only Guide is the Law; and they can never be guided by what they can never be inform'd of; And we do humbly conceive, That this Uncertainty being in the Case of a Clergyman, for Preaching, it may possibly create some Fear in good Men, when they preach some Doctrines of the Church of England, particularly that of Non-Resistance; and may be made use of by ill Ones, as an Excuse for the Neglect of that Duty, which upon some Occasions is required of them, even by the Laws of the Land.

Ormond.  
Scarsdale.  
Denbigh.  
Leeds.  
Nottingham.

Stawell.  
Weymouth.  
Craven.  
Osborne.  
Willughby, Br.  
Haverham.

Haverſham.  
 Geo. Bath and Wells.  
 Beaufort.  
 Angleſey.  
 Northampton.  
 Lempſter.  
 H. London.  
 R. Ferrers.  
 Poulett.  
 Howard.  
 Plimouth.  
 Guilford.  
 Leigh.

Berkſhire.  
 Thanet.  
 Tarmouth.

Rocheſter.  
 Suffex.  
 North and Grey.  
 Abingdon.  
 Jerſey.  
 Conway.  
 Weſton.  
 Gernſey.

*Die Lune, 20 Martii, 1709.*

**T**HE Houſe, purſuant to the Orders of Saturday laſt, adjourned in *Weſtminſter-Hall*.  
 And being there, the Houſe was reſum'd,  
 and the Lord-Chancellor declar'd, That the  
 Lords had agreed upon a Queſtion to be put  
 to each Lord, ſeverally.

Then his Lordſhip put the Queſtion, beginning at the *Junior Baron* firſt, as follows:

*Is Dr. Henry Sacheverell guilty of High Crimes and Misdemeanors, charged upon him by the Impeachment of the Houſe of Commons?*

And having aſked every Lord preſent; and they having declared Guilty, or Not Guilty; his Lordſhip having caſt up the Votes, declared him Guilty.

*Dissentient,*



Dissanient,

Sussex.  
 Thanet.  
 Nottingham.  
 Craven.  
 Northesk.  
 North and Grey.  
 Leigh.  
 Jersey.  
 Hamilton.  
 Beaufort.  
 Weston.  
 Ormond.  
 Berkshire.  
 N. Duresme.  
 Shrewsbury.  
 Scarborough.  
 Leeds.  
 Tarmouth.  
 Jo. Ebor.  
 Lempster.  
 Northampton.  
 Willughby, Br.  
 Abingdon,  
 Poulett.

H. London.  
 Gernsey.  
 Geo. Bath and Wells.  
 Say and Sele.  
 Osborne.  
 Plymouth.  
 Chandos.  
 W. Cestriens.  
 Buckingham.  
 Rochester.  
 Mar.  
 Weymouth.  
 Guilford.  
 Conway.  
 Anglesey.  
 Scarsdale.  
 Dartmouth.  
 Denbigh.  
 Howard.  
 Tho. Rossen.  
 Berkley Str.  
 Stawell.  
 Lexington.

---

**Die Martis, 21. Martii 1709.**

**O**rdere*d* that the Judgment to be passed, in  
 the Case of Doctor Henry Sacheverell, shall  
 be,

**That**

That he be enjoined not to Preach, during the Term of Three Years, next ensuing. That his Two Printed Sermons, referred to by the Impeachment of the House of Commons, shall be burnt before the Royal Exchange, in London, between the Hours of                      and                      on the                      Day of                      by the Hands of the Common Hangman, in the Presence of the Lord Mayor, and the Two Sheriffs of London and Middlesex.

### Dissentient,

Jo. Ebor.  
 Scarsdale.  
 Northampton.  
 Craven.  
 Howard.  
 North and Grey.  
 Scarborough.  
 N. Duresme.  
 Weymouth.  
 Geo. Bath and Wells.  
 Guilford.  
 Buckingham.  
 Berkshire.  
 Abingdon  
 Conway.  
 Tarmouth.

H. London.  
 Plimonth.  
 Tbo. Rossen.  
 Gernsey.  
 Lempsler.  
 Denbigh.  
 Nottingham.  
 Thanet.  
 Osborne.  
 Beaufort.  
 Anglesey.  
 Sussex.  
 R. Ferrers.  
 Leigh.  
 Poulett.  
 Ashburnham.

F I N I S

I B  L



